

E-FILED 10/1/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HERMINIA LORENZO CRUZ,

NO. C 08-0991 JF (RS)

Plaintiff,

**ORDER GRANTING MOTION
TO COMPEL**

v.

INTERNATIONAL COLLECTION
CORPORATION, et. al.

Defendants.

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, plaintiff Herminia Lorenzo Cruz moves to compel defendant International Collection Corporation ("ICC") to produce documents and supplemental written discovery responses in this Fair Debt Collection Practices Act ("FDCPA") litigation.¹ Cruz served her first set of written discovery responses on June 3, 2008. ICC served its objections and responses on July 7, 2008. Cruz alleges that ICC's responses were incomplete and contained meritless objections. At the hearing on October 1, 2008, defendant's counsel acknowledged that he will provide supplemental discovery responses within a few days.

At issue in this motion are interrogatory numbers 2-12 and document request numbers 8-14, 17, 19-22, 25, 27-33. All of the discovery requests either relate to ICC's pled bona fide error affirmative defense or possible damages. By way of example, interrogatory number one asks for

¹ In its brief opposition, ICC does not substantively oppose any of the specific discovery requests Cruz puts forth. Instead, ICC suggests only that the meet and confer process was not consistent with the California Code of Civil Procedure, which is inapplicable here.

1 ICC to identify and describe any documents used to describe or record its methods and techniques
2 used in the collection of consumer accounts. This interrogatory and the other discovery requests
3 may lead to the discovery of relevant evidence on the issue of ICC's bona fide error affirmative
4 defense.

5 Because defendant's counsel has acknowledged that he will provide supplemental responses
6 to these discovery requests, and because the discovery requests are otherwise appropriate, the
7 motion to compel is granted. ICC will provide supplemental discovery responses by October 8,
8 2008.

9 IT IS SO ORDERED.

10
11 Dated: October 1, 2008



RICHARD SEEBORG
United States Magistrate Judge

THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:

Fred W. Schwinn fred.schwinn@sjconsumerlaw.com, cand_cmecf@sjconsumerlaw.com,
fschwinn@gmail.com

Larry Rothman tocollect@aol.com

Counsel are responsible for distributing copies of this document to co-counsel who have not
registered for e-filing under the Court's CM/ECF program.

Dated: 10/1/08

Richard W. Wieking, Clerk

By: Chambers